

**AN ORDINANCE  
BY COUNCILMEMBER ANNE FAUVER**

**AN ORDINANCE TO PROVIDE FOR THE ANNEXATION PURSUANT TO THE 100% METHOD OF PROPERTY LOCATED AT 1842 HOMESTEAD AVENUE TO THE CORPORATE LIMITS OF THE CITY OF ATLANTA, GEORGIA; TO PROVIDE FOR THE NOTIFICATION OF THE DEPARTMENT OF COMMUNITY AFFAIRS OF THE STATE OF GEORGIA OF SUCH ANNEXATION; AND FOR OTHER PURPOSES**

**WHEREAS**, the owner of real property (the "Applicant") has applied to the City of Atlanta for annexation ("the Application") of certain property located at 1842 Homestead Avenue Atlanta, Ga. 30306, as more fully described and delineated in Exhibits "A" and attached hereto (the "Property"); and

**WHEREAS**, the City of Atlanta has determined that the Property is contiguous to the existing corporate limits of the City of Atlanta in excess of the minimum amount required for such annexations under O.C.G.A. § 36-36-1 *et seq.*; and

**WHEREAS**, the City of Atlanta has determined that the Applicant is the title holder of record of 100% of the privately owned land within the Property, as evidenced by the Clerk of the Superior Court of Fulton County, Georgia; and

**WHEREAS**, the requirements in O.C.G.A. § 36-66-4(d) governing procedures for the zoning of land to be annexed into a municipality have been satisfied; and

**WHEREAS**, the zoning classification approved by the City of Atlanta for the property which is the subject of the proposed annexation shall become effective on the later date of the date of the zoning is approved by the City of Atlanta or the date that the annexation becomes effective as required by O.C.G.A. § 36-36-2; and

**WHEREAS**, the City of Atlanta has lawfully provided notice to DeKalb County, Georgia of all required information including notice of the City of Atlanta's receipt of the Application for annexation of the Property; and

**WHEREAS**, the City of Atlanta has authority pursuant to O.C.G.A. § 36-36-1 *et seq.* to annex certain property into the corporate limits of the City of Atlanta, and that the Mayor and Council of the City of Atlanta have determined that the annexation of the Property would be in the best interest of the residents and property owners of the areas to be annexed and of the citizens of the City of Atlanta; and

**WHEREAS**, any proposed annexation must be approved by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965; and

**WHEREAS**, the City of Atlanta has determined that the Application meets the requirements of law pursuant to O.C.G.A. § 36-36-1 *et seq.*; and

**NOW THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA  
HEREBY ORDAINS AS FOLLOWS:**

- Section 1.** The Property is hereby annexed to the existing corporate limits of the City of Atlanta, Georgia, pending approval by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.
- Section 2.** There is hereby filed, as part of this Ordinance and identified as Exhibit "A" a legal description and survey of the annexed land.
- Section 3.** The Municipal Clerk is hereby authorized and directed to submit to the United States Department of Justice all necessary documentation required for the Department's review and approval of the annexation pursuant to Section 5 of the Voting Rights Act of 1965.
- Section 4.** The Municipal Clerk is hereby authorized and directed to file a report identifying property annexed with the Department of Community Affairs of the State of Georgia and with the governing authority of Fulton County as required by O.C.G.A. § 36-36-3, and to take all other actions required by law with regard to the adoption of this ordinance and the annexation of the Property.
- Section 5.** The Ordinance shall become effective immediately for school enrollment purposes and for all other purposes in accordance with applicable provisions of Georgia law, contingent upon approval of the annexation by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.
- Section 6.** All Ordinances or parts of Ordinances in conflict with the terms of this Ordinance are hereby waived to the extent of the conflict.

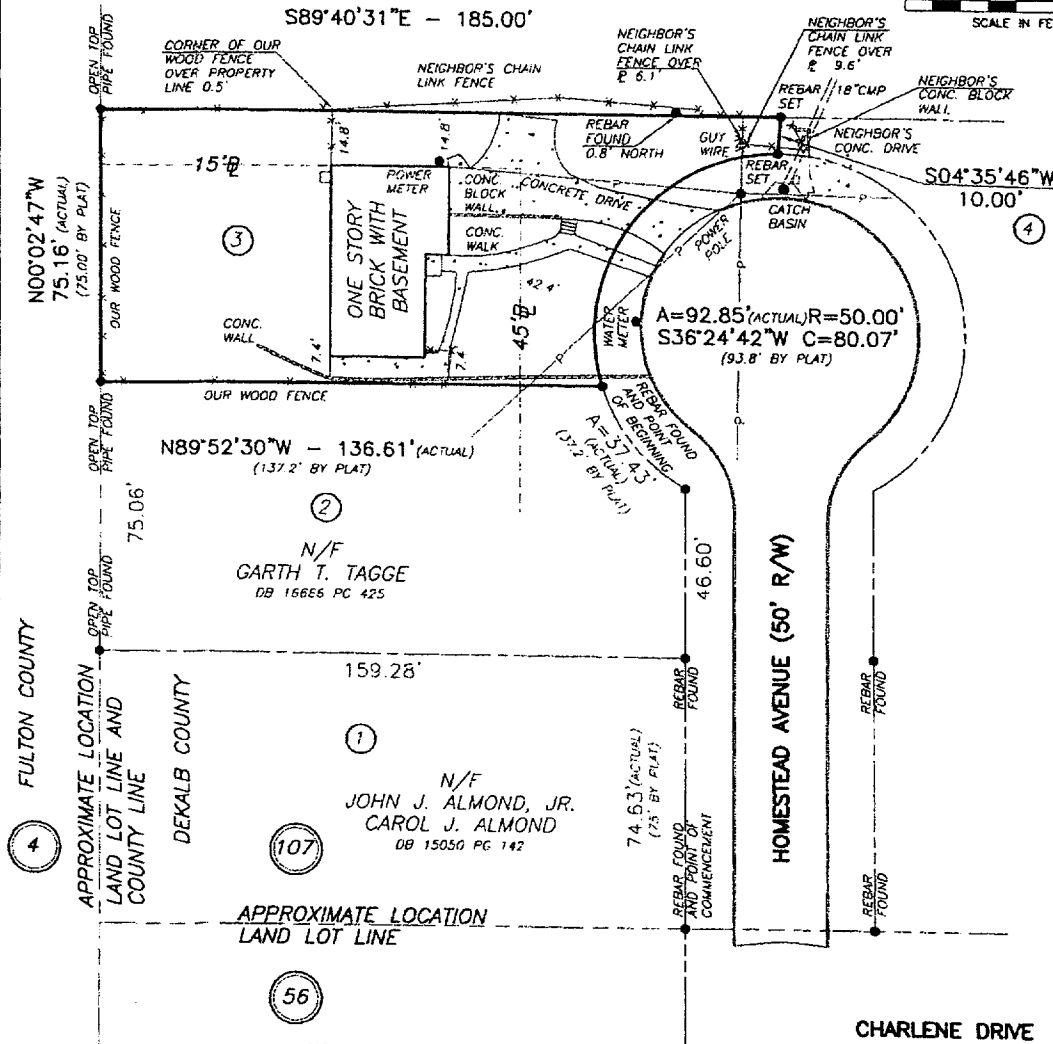
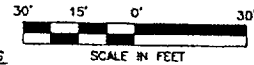
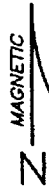
**EXHIBIT "A"**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 107, 18<sup>th</sup> District, Dekalb County, Georgia, being Lot 3, Subdivision of W. Kuniansky Property, according to plat recorded at plat book 26, page 125, Dekalb County records, which plat is hereby referred to and made a part of this description, being known as 1842 Homestead Avenue, according to the present system of numbering houses in Dekalb County, Georgia.

# **SURVEY NOTES**

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, CALL THE UTILITIES PROTECTION CENTER FOR ADDITIONAL INFORMATION THROUGHOUT GEORGIA (1-800-282-7411).
2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.

4. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000+ FEET, AND AN ANGULAR ERROR OF 02" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET. LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED BY USING A TOPCON TOTAL STATION. BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.
5. THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA. A SECOND OPINION OR COMPREHENSIVE FLOOD EVALUATION STUDY IS SUGGESTED FOR MORE ACCURATE INFORMATION. FOR FURTHER INFORMATION CONTACT THE LOCAL DRAINAGE DEPARTMENT, CORPS OF ENGINEERS, AN INSURANCE COMPANY OR APPRAISER.
6. THIS PLAT NOT INTENDED FOR RECORDING.



TOTAL AREA = 0.256 ACRES  
OR 11,130 SQ. FT.

1842 HOMESTEAD AVENUE  
ATLANTA, GEORGIA

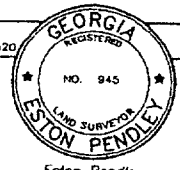
**PENDLEY**  
**SURVEYING**

4833 South Cobb Drive, Suite 150  
Smyrna, Georgia 30080 (404)-768-7520

This property (●) (is not)  
located in a Federal Flood  
Area as indicated by F.I.R.M.  
Official Flood Hazard Maps.

In my opinion this plat is a  
correct representation of the  
land plotted.

Fences should not be placed  
using side dimensions from house.



Eston Pendley  
Georgia RLS #945  
Member S&MSGG  
JOB#224340

## **LEGEND**

- |        |                          |
|--------|--------------------------|
| R/W    | RIGHT OF WAY             |
| S.S.E. | SANITARY SEWER EASEMENT  |
| D.E.   | DRAINAGE EASEMENT        |
| CB     | CATCH BASIN              |
| DI     | DROP INLET               |
| WM     | WATER METER              |
| JIB    | JUNCTION BOX             |
| HW     | HEADWALL                 |
| CMP    | CONFRUGATED METAL PIPE   |
| RCP    | REINFORCED CONCRETE PIPE |
| PP     | POWER POLE               |
| L.L.L. | LAND LOT LINE            |
| P.L.   | PROPERTY LINE            |
| C.L.   | CENTERLINE               |

PROPERTY OF  
**CINDY J. DAVIS**

**LOT 3**  
**W. KUNIANSKY PROPERTY**

LAND LOT 107  
DISTRICT 18TH.  
COUNTY DEKALB  
GEORGIA

PLAT PREPARED: 6-9-07  
FIELD: 6-6-07 SCALE: 1"=30'

PS 25  
PG 125  
DB 0844  
PC 426